

Attachment A

Alleged Violations and Penalty Summary Table

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
VILLAGE AT NORTHSTAR - WDD NO. 6A31C325917					
DAYS:	11	61	1	3	0
<p>June 15-17, 2006 (3 days). Failure to install adequate drop inlet protection pursuant to section XI.F of the SWPPP. Reference: Water Board's June 15, 2006, inspection report.</p> <p>August 8-10, & 21-23, 2006 (6 days). Failure to correct identified BMP deficiencies within 24 hours pursuant to Amendment 8 of the SWPPP. Reference: (1) Discharger's August 7 & 8, 2006, self inspection reports note drop inlet BMP delays in H Plaza and Upper H Plaza. (2) Discharger's August 19, 2006, self inspection report documents delays installing silt fence at teh Phase III entrance, protecting stockpiles below the gondola and above the work site, installing filter fabric in all 6-inch drains, and reinstalling wattles around the grand staircase.</p> <p>November 1-2, 2006 (2 days). Failure to correct BMP deficiencies prior to storm events, pursuant to Amendment 8 of the SWPPP. Reference: Discharger's November 1 and 2, 2006, self inspection reports provide to its contractors 24-hours to implement site cleanup, change fabric in drains, and install plastic and berm around a mixing station. However, the Discharger's November 10, 2006, electronic mail to Water Board staff documents total rainfall of 1.28 inches during this period, with rainfall predicted to occur on November 1 and 2, 2006.</p>	<p>May 4 through July 16, 2006, excluding days noted below (61 days). Failure to conduct and record daily site inspections pursuant to Section IX.D of the SWPPP (inspections prior, after, and 24-hour intervals during storm events), pursuant to Amendment No. 19 of the SWPPP (requires daily site inspections), and pursuant to Amendment No. 26 to the SWPPP (requires daily BMP inspections in the form of daily notes). Reference: (1) Discharger's July 16, 2006 letter documents inspections conducted only on May 3, 8, 25, and June 15, 2006 (40 days). (2) Discharger's August 2, 2006 letter documents failure to document (and possibly failure to conduct) self inspections from June 16 through (and including) July 18, 2006 (33 days). Includes failure to conduct pre-storm inspections for storms predicted the week of June 5, and on June 14, 2006. (3) Discharger's November 6, 2007 submittal documents inspections completed on May 3,8,25,26, June 15,16,26,27,28, and July 12, 17, 18, 2007. Submittal documents inspections not needed on June 18, July 2, and July 4 due to no work conducted.</p>	<p>November 1-3, 2006, storm event (1 day). Failure to conduct storm water runoff water quality monitoring for a single runoff event that produced 1.28 inches of rainfall, pursuant to Section IX.B of the SWPPP. Reference: Discharger's November 10, 2006 electronic mail to Water Board staff documenting the precipitation event.</p>	<p>January 4, February 9 & 10, 2007 (3 days). Discharge of sediment and nutrient-laden storm water runoff into the West Fork West Martis Creek from the project site. Reference: (1) Discharger's water quality data collected January 4, 2007, between 11:40 a.m. and 12:05 p.m. (data collected approximately 18 hours after storm commenced on January 3, 2007); (2) Discharger's water quality data collected February 9, 2007, between 3:15 p.m. and 3:45 p.m.; (3) Discharger's water quality data collected February 10, 2007, between 11:15 a.m. and 11:45 a.m.; and (4) Discharger's water quality data collected February 10, 2007, between 3:45 p.m. and 4:15 p.m.</p>	<p>This violation is already noted in the discharge of sediment-laden storm water discharge section.</p>	

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100-year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
VILLAGE AT NORTHSTAR - WDID NO. 6A31C325917			
0		0	0
		Sediment and nutrient-laden discharges already considered in permit violations section.	Failure to adequately install an maintain BMPs creates a threatened discharge, but are already considered in permit violation section.

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
VILLAGE AT NORTHSTAR - WDID NO. 6A31C325917					
13	0	42	35	166	\$967,000.00
November 8, 2006 CAO required immediate response. Discharger submitted inadequate response on November 22, 2006 identifying 9 individuals instead of one individual. Water Board staff deemed the response inadequate in a letter dated February 26, 2007. Adequate response was not submitted until March 13, 2007 - 124 days after the CAO was issued. Days of violation are 13 days, assuming a corrected response should have been submitted immediately by February 28th.	The Discharger submitted information on November 6, 2007, verifying the site was fully winterized by the due date.	The Discharger submitted a deficient report on November 14, 2006. The report was deficient because it did not fully document winterization measures installed in all disturbed areas, it did not provide a chronology of BMPs installed after October 28th, and it identified several disturbed areas to be mulched in the spring of 2007 without specifying the temporary winterization measures to be installed for the interim period. Water Board did not identify the report as deficient until March 7, 2007. The Discharger never re-submitted the report. Assuming a reasonable re-submittal date of March 21, and assuming a May 1st date when such a report no longer is necessary, the violation period would be 42 days.	The Discharger submitted a monitoring plan on time on November 17, 2006, but it was deficient. Water Board staff declared it was deficient in a letter dated February 22, 2007, because no monitoring points for storm water run-on into the Village Core area were identified, nor were any monitoring points identified for storm water run-on into the existing parking area where construction staging existed. The Discharger submitted a revised and adequate plan on April 12, 2007. Assume that the Discharger should have been able to resubmit a revised plan 2 weeks from the date of the Water Board letter, violation period from March 8 until April 12 is 35 days.		

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
INTERCEPT LOTS - WDID NO. 6A31C335494					
DAYS:	148	39	1	1	0
<p>June 15-July 5, 2006 (21 days). (1) Failure to install BMPs and then installing inappropriate BMPs to protect the Class III drainage pursuant to the SWPPP (2) Failure to install adequate silt fence protection BMPs pursuant to the SWPPP. References: (1) Water Board's report of its June 15, 2006, site inspection; (2) Discharger's June 17 and 20, 2006, electronic mails to Water Board staff documenting completed work; (3) Water Board's report of its July 5, 2006, site inspection; (4) Discharger's August 31, 2006, electronic mail to Water Board staff documenting additional completed work.</p> <p>May 17 through July 5, 2006 (29 additional days from what is noted above). Failure to install protective fencing for environmentally-sensitive areas as required by the SWPPP. References are the same as noted above.</p> <p>June 15, and June 29 through July 5, and August 5 through 7, 2006 (3 additional days from what is noted above). Failure to install adequate stockpile protection as required by the SWPPP. References: (1) same as those noted above;</p> <p>(2) Water Board's report of its August 7, 2006 inspection; (3) Discharger's August 25, 2006, electronic mail to Water Board staff documenting that stockpiles were unprotected on August 5th; (4) Discharger's August 31, 2006 response to Water Board's NOV; (5) Discharger's September 8, 2006 electronic mail to Water Board staff documenting completed items.</p> <p>June 15 and 20, and July 15, 2006 (no additional days than noted above). Failure to adequately install fiber foil BMPs in accordance with the SWPPP. Reference: (1) Water Board's reports for June 15 and July 5, 2006, inspections; (2) Discharger's June 20, 2006 self inspection report submitted on July 6, 2006.</p> <p>June 20 and July 5, 2006 (no additional days than noted above). Failure to install adequate drain inlet protection pursuant to the SWPPP. References: (1) Discharger's June 20, 2006 self inspection report submitted on July 6, 2006; (2) Water Board's report of its July 5, 2006, site inspection.</p> <p>August 7, 2006 (no additional days than noted above). Failure to install internal controls in accordance with the SWPPP, as amended. Reference: Water Board's report of its August 7, 2006 inspection.</p> <p>November 1 through 3, 2006 (3 additional days of violation). Failure to repair deficient BMPs prior to, and during, a forecasted rain event. Reference: Discharger's November 1, 2, and 3, 2006, self inspection reports that were submitted to the Water Board on November 8, 2006. The reports indicate continued winterization tasks (tackifier, wattle placement, repairing silt fences, stabilization of unprotected slopes, outlet protection, stabilization of unpaved parking areas) being completed. It is noted that the SWPPP requires tackifier to be placed a minimum of 24 hours prior to rainfall, not during.</p> <p>August 7 through November 11, 2006 (92 additional days of violation). Failure to schedule appropriate quantities of earth-moving activities as required by Appendix D.18 of the SWPPP. The Discharger initiated Phase II of the parking lot and was unable to stabilize the area prior to onset of winter. References: During the August 7, 2006 Water Board staff inspection, the Discharger's representative noted that both Phases I and II were under construction, that the Notice of Intent (NOI) that had been filed for coverage under the general permit was just for Phase I, and an amended NOI was submitted the week prior to incorporate Phase II. The representative confirmed that all bare slopes will be revegetated by August 15, 2006, and that the entire area will be paved by October 15, 2006. The Discharger's November 3, 2006 self inspection report noted that the parking lot area had not been paved and remained unstabilized. The Discharger's November 10-11, 2006 self inspection report claims the area was stabilized by November 11, 2006.</p>	<p>May 19-25, and June 5, 6, 13, and 14, 2006 (10 days). Failure to conduct and record pre and post storm inspections. References (all were included in Discharger's June 19, 2006 submittal package): (1) May 18, 2006 self inspection report states that thunderstorms were predicted for the entire week, but there are no further daily pre-storm self inspection reports; (2) rainstorms were also predicted and occurred the week of June 5th and again on June 13th, and there are no records of adequate pre and post inspection reports.</p> <p>June 16, 17, 19, 21-26, 28, and 30, and July 1, 3, and 5, 2006 (14 additional days). Failure to record daily inspections of installed BMPs. Reference: Discharger's July 6, 2006, and November 6, 2007, submittals of all self-inspection reports for the period of June 15 through July 5, 2006. Reports are missing for the days noted, presumably because the daily inspections required by the SWPPP did not occur.</p> <p>June 20, 27, and 29, 2006 (3 additional days). Failure to document corrections to identified BMP deficiencies. References (all submitted July 6, 2006): (1) June 20, 2006 self inspection report documents inappropriate strow wattle drain inlet protection on pavement, incorrect wattle installations, silt fence installations perpendicular to the contour, incorrectly installed silt fences in the northwest corner and upper site sections of the project site, and lack of silt fence in a critical area on the north end of the project, but the report does not confirm when, or if, corrective measures were taken; (2) the June 27, 2006 self inspection pre-storm report documents sediment accumulation on the temporary crossing over the ephemeral drainage crossing, and the report recommended sediment removal from the crossing, filter fabric replacement in a drain inlet, silt fence stabilization with wattles, but the report does not confirm when, or if, corrective measures were taken; (3) the June 29, 2006 self inspection post storm report documented a large open area with many unprotected stockpiles, placement of a stockpile in a drainage, and the need for additional wattles, drainage protection, and sediment tracking control, but it does not document when, or if, corrective measures were taken.</p> <p>November 2-4, 2006 (3 additional days). Failure to record rainfall quantities during an extended storm event, as required by the SWPPP. References: Discharger's self inspection reports for the noted days submitted to Water Board staff on November 8, 2006. The reports note light rain, but provide no quantities. (Rainfall during this period was measured as 1.28 inches at a nearby project site.)</p> <p>January 2-5, 2007 (4 additional days). Failure to conduct and record pre and post storm inspections. Reference: January 18, 2007 electronic mail from Discharger to Water Board documenting the storm occurrence January 3-4, 2007, with no documentation or other proof of pre, post, and 24-hour duration inspections. (Hydromulch BMP implementation requires post inspection for re-application needs).</p> <p>February 7-11, 2007 (5 additional days). Failure to record pre and post storm inspections. Reference: IERS March 9, 2007 storm water sampling report documents storm occurrence February 8-10, 2007, and there is no documentation of required pre, post, and daily inspections.</p>	<p>January 2, 2007 (1 day of violation). Failure to conduct storm water sampling for a storm event that occurred January 2-4, 2007, as required by Section IX.B of the SWPPP. Reference: Discharger's January 18, 2007 email to Water Board staff documenting the storm and submitting runoff results for a nearby site.</p>	<p>February 10, 2007 (1 day of violation). Discharge of sediment and nutrient laden storm water runoff from the project site. Runoff was discharged to wetland areas (surface waters) and to lands that, eventually, drain into area surface water channels. Reference: IERS March 9, 2007 report containing a summary of runoff monitoring data for samples collected on February 10, 2007.</p>	<p>Already considered under basin plan prohibition and under the discharge of sediment laden storm water.</p>	

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100-year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
INTERCEPT LOTS - WDID NO. 6A31C335494			
0		10	0
		<p>June 15 & 16, 2006 (2 days of violation). Discharging waste earthen material into the identified Class III drainage. References: (1) Water Board's report of its June 15, 2006, inspection; (2) Discharger's June 20, 2006 electronic mail to Water Board staff noting placement of unauthorized rip rap material in the drainage.</p> <p>July 5, 2006 (1 additional day). Discharge of additional rock and sediment (from a tree stump removal and sloughing from the drainage crossing), and construction of a silt fence across the flow line within the drainage. Reference: Water Board's report of its July 5, 2006 site inspection.</p> <p>August 7, 2006 (1 additional day). Discharge of topsoil material within the drainage. Reference: Water Board's report of its August 7, 2006 site inspection.</p> <p>September 21-26, 2006 (6 additional days). Discharge of waste earthen materials while constructing an arched culvert within the flood plain boundaries of the Class III drainage. Reference: Construction period is documented by the Discharger's self inspection reports for the period September 19-25, and September 26-October 2, 2006. Water Board staff report of its November 14, 2006, inspection documents a 3 to 4-foot span over the drainage, not the required 7-foot span.</p>	Flood plain impacts occurred, but days of violation are already considered under the previous column.

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
INTERCEPT LOTS - WDID NO. 6A31C335494					
0	17	0	0	216	\$2,160,000.00
Only one report needed, considered in the penalty calculation for the Village.	November 11-27, 2006 (17 days). The Discharger initially submitted documentation that the site was stabilized one day late on November 10, 2006 (Discharger's self inspection reports for the period November 7-11, 2006). However, the Discharger's November 14, 2006, technical report identified four items that were not completed as part of winterization: (1) identifying and implementing interim measures intended to temporarily stabilize the areas where sufficient revegetation growth has not been established; (2) paving or otherwise stabilizing unpaved roadways and parking lot (3) installing alternative erosion control measures on slopes where tackifier/hydromulch was inappropriately applied during rain events; and (4) installing wattles and fiber mats in accordance with SWPPP requirements. The Water Board's report of its November 14, 2006, inspection identified failure to implement source control BMPs on slopes, stockpiles, drainage channels, and roads. Snowfall on November 27th prevented implementing winterization. The project site remained without adequate winterization measures until May 1, 2007.	Only one report needed, considered in the penalty calculation for the Village.	Only one report needed, considered in the penalty calculation for the Village.		

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
EMPLOYEE HOUSING/SAWMILL HEIGHTS - WDD NO. 6A31C335581					
DAYS:	19	17	0	0	0
<p>June 15 & 16, 2006 (2 days of violation). Failure to install and maintain adequate drain inlet BMPs as required by the SWPPP (page 17 and Appendix E.6) - lack of wattle and inlet filter. Failure to install and maintain erosion and sediment control BMPs for an unpaved construction road. References: (1) Water Board report of June 15, 2006 inspection; (2) Discharger's June 20, 2006, electronic mail to Water Board staff documenting installation of BMPs; (3) Discharger's July 31, 2006 correspondence to Water Board staff.</p> <p>June 20 - 26, 2006 (7 additional days). Failure to install and maintain adequate stockpile management BMPs in accordance with the SWPPP, Appendix E.24. (A precipitation event occurred June 26th). Reference: Discharger's June 20, 23, and 26, 2006, self inspection reports.</p> <p>July 27, 2006 (1 additional day). Failure to install and maintain drain inlet protection at south end, after BMP inspector required its installation. Reference: Discharger's July 27 and 28, 2006, self inspection reports.</p> <p>July 28, 2006 (1 additional day). Failure to maintain adequate stockpile of BMP materials as required by VIII.D.1 of the SWPPP (page 17). Reference: Discharger's July 28, 2006, self inspection report.</p> <p>August 4, 2006 (1 additional day). Failure to maintain adequate concrete washout facility in accordance with SWPPP requirements - concrete washout occurred outside of designated facility. Reference: Discharger's August 4, 2006, self inspection report.</p> <p>October 2 - 5, 2006 (4 additional days). Failure to maintain BMPs (sediment remained in drainages, v-ditches, etc.) prior to predictions of rain on October 2nd - 5th. Failure to install slope protection prior to predictions of rainfall (tackifier placed October 4th, but rain was predicted that day, and tackifier needs 12 to 24-hours to cure, Amendment No. 23 to the SWPPP). References: Discharger's self inspection reports for the period.</p> <p>November 1-3, 2006 (3 additional days). Failure to stabilize two slope areas prior to rain event on November 2nd and 3rd, in violation of SWPPP requirements for slope stabilization and scheduling BMPs. The BMP inspector noted need for slope stabilization for 2 weeks prior to rain event. References: Discharger's self inspection reports from October 14 - November 3, 2006.</p>	<p>May 19-21, June 5, 6, 13, and 14, 2006 (7 days of violation). Failure to conduct and record pre and post storm inspections prior to predictions of rainfall events. References: (1) Northstar CSD Inspection Reports of its TH-2 Water Facilities project documenting predictions for precipitation at a neighboring project; (2) Discharger's July 16, 2006, submittal of all inspection reports conducted and documented from May 2 through June 15, 2006, which do not include the necessary pre and post storm inspections for the noted events.</p> <p>August 3, 2006 (1 additional day). Failure to conduct inspection on August 2nd prior to a precipitation event that evening. References: (1) Discharger's August 2, 2006 self inspection form noting no inspection conducted; (2) Discharger's August 3, 2006 self inspection report noting precipitation overnight.</p> <p>January 2-5, 2007 (4 additional days). Failure to conduct and record inspections prior to, during, and after a storm event that occurred January 3-4, 2007.</p> <p>February 7-11, 2007 (5 additional days). Failure to conduct and record inspections prior to, during, and after a storm event that occurred February 8-10, 2007.</p>				

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100- year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
EMPLOYEE HOUSING/SAWMILL HEIGHTS - WDID NO. 6A31C335581			
0		0	0

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
EMPLOYEE HOUSING/SAWMILL HEIGHTS - WDID NO. 6A31C335581					
0	17	0	0	53	\$530,000.00
Only one report needed, considered in the penalty calculation for the Village.	<p>A site winterization plan was developed on September 28, 2006 by the Discharger's consultant, IERS (contained in Discharger's November 14, 2006 response to CAO Item No. 3). The Discharger's response notes that slopes were tackified and that drain inlets and sediment basins were cleaned out pursuant to the plan. However, there is no evidence provided to indicate other critical elements of the plan were implemented, including: cleaning out and repairing rock lined drainage ditches, installing wattles at drainage outflows, installing wattles at toe of slopes (in addition to tackifying slopes), establishing and protecting a snow storage area, and installing rock check dams. Further, there is no evidence that winterization BMPs were inspected and maintained during the winter, especially before and after precipitation events.</p> <p>Water Board's report of its November 15, 2006, inspection documents the Discharger's failure to install effective source control BMPs on disturbed slopes and stockpiles.</p> <p>Snowfall on November 27, 2006, prevented further installation of winterization BMPs for the remainder of the season. Violation existed for 17 days from November 11 through 27, 2006.</p>	Only one report needed, considered in the penalty calculation for the Village.	Only one report needed, considered in the penalty calculation for the Village.		

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
HIGHLANDS VIEW DRIVE / HIGHWAY 267 INTERCHANGE - WDID NO. 6A31C333755					
DAYS:	135	20	0	5	0
<p>June 5 through June 22, 2006 (17 days of violation). Failure to comply with the Scheduling BMP requirement provided in Sections A.5 and A.6 of the permit and Appendix E.18 SWPPP for clearing and grading the project site without first developing and implementing a construction BMP plan for the area. References: (1) Water Board's June 15, 2006, inspection report; (2) Discharger's June 22, 2006 electronic mail to Water Board staff submitting a construction BMP plan for the site. It is noted that construction grading began June 5, 2006, per the Discharger's letter dated August 1, 2006.</p> <p>June 5 - June 17, 2006 (no additional days). Failure to install adequate drain inlet protection pursuant to Appendix E.9 of the SWPPP. Reference: (1) Water Board's June 15, 2006, inspection report; (2) Discharger's June 17, 2006 electronic mail to Water Board staff confirming the completion of items observed.</p> <p>June 15-17, 2006 (no additional days). Failure to install adequate stockpile protection pursuant to Appendix E.24 of the SWPPP. Reference: (1) Water Board's June 15, 2006, inspection report; (2) Discharger's June 17, 2006 electronic mail to Water Board staff confirming the completion of items observed.</p> <p>July 5-13, 2006 (9 additional days). Failure to adequately install fiber rolls, and silt fence in accordance with Appendices E.8 and E.19, of the SWPPP. References: (1) Water Board report of its July 5, 2006, site inspection; (2) July 13, 2006, letter from Discharger documenting stating that observed deficiencies had been corrected.</p> <p>June 17 - July 13, 2006 (17 additional days). Failure to adequately install stockpile protection in accordance with Appendix E.24 of the SWPPP. These are the same stockpiles that were observed during the June 15th inspection, and they remained unprotected on July 5th, contradicting the Discharger's claim that stockpile BMPs had been appropriately installed on these stockpiles. References: (1) Water Board report of its July 5, 2006, site inspection; (2) July 13, 2006, letter from Discharger documenting stating that observed deficiencies had been corrected.</p> <p>June 5 through October 14, 2006 (92 additional days). Failure to install measures to prevent runoff from off-site areas (run-on) from flowing through the disturbed construction areas, as required by Section A.5.b.(1) of the Statewide General Stormwater Construction Permit. Reference: October 14, 2006 self inspection report noting the construction of a V-Ditch on the south side of the project to re-direct run-on, and failure to document installation of other appropriate BMPs prior to this date.</p>	<p>June 5, 6, 13, and 14, 2006 (4 days). Failure to conduct and record pre and post storm inspections. References: See Highlands View Drive and Nothstar Village project inspection reports for rainfall prediction days.</p> <p>June 16, 17, 19, 21-26, 28, 30, and July 1, 3, and 5, 2006 (14 days of violation). Failure to conduct and record daily BMP inspections pursuant to Section IX.D of the SWPPP. Reference: July 6, 2006 Discharger facsimile submitting all inspection reports conducted since June 15, 2006.</p> <p>June 25, 2006 (no additional days). Failure to conduct a pre-storm inspection for a rain event that occurred on June 26, 2007, as required by page 39 of the SWPPP. Same references are used.</p> <p>June 20 and 27, 2006 (2 additional days). Failure to document completion of corrective measures recommended in self inspection reports, as required by Section IX.D of the SWPPP (same references used).</p>		<p>October 5, 2006 (1 day of Violation). Discharge of sediment-laden storm water runoff into Middle Martis Creek. Although reports do not indicate BMP deficiencies, subsequent and prior reports note that winterization was not in place, including soil stabilization. Discharger did not cut a v-ditch to prevent storm water run-on until October 14th. Reference: (1) Discharger's October 5 & 14, 2006, self inspection reports. (report notes several "melted clods" in mid-south section - possibly the cause of discharge? (2) Discharger's October 26, 2006 Discharge report.</p> <p>November 2, 2006 (1 additional day). Discharge of sediment-laden storm water runoff into Middle Martis Creek. Reference: Discharger's December 1, 2006, electronic mail submission of lab results.</p> <p>February 8-10, 2007 (3 additional days). Discharge of sediment-laden storm water runoff into Middle Martis Creek. Reference: IERS March 9, 2007, letter submitting monitoring report and lab results.</p>		

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100-year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
HIGHLANDS VIEW DRIVE / HIGHWAY 267 INTERCHANGE - WDID NO. 6A31C333755			
65		0	27
<p>May 6 - June 21, 2006 (47 days). Failure to submit a completed SWPPP (& BMP Plan) 30 days prior to the commencement of construction, and ensuring the SWPPP includes information to demonstrate that appropriate measures are incorporated into the final design, as required by Additional Condition No. 2 of the WQC. References: (1) June 9, 2006 WQC; (2) Discharger's June 22, 2006 electronic mail to Water Board staff submitting a construction BMP plan for the site and documenting that site construction commenced June 5, 2006.</p> <p>October 15 - November 1 (18 additional days). Failure to winterize site, and failure to halt site soil-disturbing activities, between October 15 and May 1, as required by Additional Condition No. 2 (referencing Enclosure C) of the 401 WQC. Soil grading, erosion control mat installation, tub grinding placement, and spraying tackifier are described during the noted period. Reference: (1) June 9, 2006, 401 WQC, (2) October 17-November 1, 2006, Discharger Self Inspection Reports.</p> <p><i>It is noted that all permit and basin plan violations are also violations of the conditions of a 401 WQC, but the violations will not be duplicated here.</i></p>		<p>July 5-13, 2006 (9 additional days). Failure to adequately install check dams in accordance with Section 3 of the California Stormwater BMP Handbook, resulting in a threatened discharge of waste earthen material to lands within the 100 year flood plain of Middle Martis Creek. References: (1) Water Board report of its July 5, 2006, site inspection; (2) July 13, 2006, letter from Discharger documenting stating that observed deficiencies had been corrected.</p> <p>July 23-24, 2006 (2 additional days). Failure to correct BMP deficiencies (rock on silt fence, additional fiber rolls, additional gravel bag check dams) identified in July 22, 2006 self inspection until July 24th, creating a condition of threatened discharge. Reference: July 22 and 24, 2006, self inspection reports.</p> <p>July 29-August 1, 2006 (4 additional days). Failure to protect a stockpile that exceeded its original limits for 3 days, creating a condition of threatened discharge. The deficiency was reported July 28th, and was not corrected until August 1st. Reference: July 28, 29, 31, and August 1, 2006, self inspection reports.</p> <p>August 4-7, 2006 (4 additional days). Failure to correct BMP deficiencies (lack of soil stabilization, break in a silt fence) prior to a prediction for possible precipitation on August 4th, creating a threatened discharge. (Failing to stabilize site prior to a possible rain event is also a permit violation, but will be noted here instead). Reference: August 4 & 7, 2006, self inspection reports.</p> <p>August 8-15, 2006 (8 additional days). Failure to stabilize/revegetate a disturbed area. The disturbance was observed August 7th, and it was not stabilized until the 15th, creating a condition that threatens a discharge. Reference: August 7-15, 2006, self inspection reports.</p>	

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
HIGHLANDS VIEW DRIVE / HIGHWAY 267 INTERCHANGE - WDID NO. 6A31C333755					
0	0	0	0	252	\$2,520,000.00
Only one report needed, considered in the penalty calculation for the Village.		Only one report needed, considered in the penalty calculation for the Village.	Only one report needed, considered in the penalty calculation for the Village.		

ALLEGED PERMIT VIOLATIONS				
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385
HIGHLANDS VIEW DRIVE - WDID NO. 6A31C333756				
DAYS	99	10	3	9
<p>May 16-18, 2006 (3 days of violation). Failure to correct deficient BMPs (stockpiles, drain inlets and outlets, silt fence) on days with forecasted precipitation, pursuant to section IX.D of the SWPPP. Reference: Discharger's May 16 - 18, and 22, 2006, self inspection reports.</p> <p>June 12-14, 2006 (2 additional days). Failure to repair deficient BMPs and clogged drainages prior to and during predicted rain event, pursuant to section IX.D of the SWPPP. Reference: Discharger's June 12-13, 2006, self inspection Reports.</p> <p>May 16 - June 17, 2006 (27 additional days). Failure to stabilize eroding slopes that were previously revegetated and maintain the BMPs that were installed (eroded slopes due to winter season, first inspection of site was May 16th, but didn't note eroded slopes). Failure to install adequate drop inlet protection. Reference: (1) Water Board's June 15, 2006, inspection report; (2) Discharger's June 17, 2006, electronic mail stating that all items discussed during inspection have been completed; (3) Discharger's May 16, 2006, self inspection report.</p> <p>July 5 - 13, 2006 (9 additional days). Failure to comply with SWPPP requirements for adequate BMPs due to the failure to protect stockpiles and inappropriate placement of stockpiles within a flowline (see SWPPP Appendix E.24), locating a temporary sanitary facility within a flowline (see SWPPP Appendix E.17), failure to install and maintain adequate drain inlet protection (SWPPP Appendix E.9), failure to adequately install and maintain silt fences (SWPPP Appendix E.19), failure to install and maintain adequate drain outlet protection (SWPPP Appendix E.14), failure to stockpile adequate quantities of BMP materials pursuant to page 17 of the SWPPP. References: (1) Water Board's report of its July 5, 2006 site inspection; (2) Discharger's July 13, 2006, letter verifying correction of identified deficiencies.</p> <p>June 15 - July 13, 2006 (17 additional days from June 18 - July 4). Failure to revegetate eroded slopes. The slope failures were identified on June 15th, and Water Board staff issued a verbal warning to correct deficiency by June 16th, but no later than the next storm. The next storm was predicted to occur on June 28, 2006. The Discharger submitted an e-mail on June 17 (and additional information dated June 22, 2006) that the slope areas had been corrected. However, the same slope areas were still unstable during the Water Board's July 5, 2006 inspection. Reference: see above-two entries.</p> <p>May 16 - July 13, 2006 (no additional days). Failure to limit grading activities to areas that can be completed and stabilized prior to anticipated storm events pursuant to page 16 and to Appendix E.18 of the SWPPP. Reference: Water Board's report of its July 5, 2006 site inspection.</p> <p>June 23, 26, 27, and 29, 2006 (no additional days). Failure to document implementation of corrective action measures identified in Discharger's self inspection reports to correct noted BMP deficiencies. Reference: July 6, 2006 Discharger facsimile submitting all inspection reports conducted since June 15, 2006.</p> <p>August 4-11, 2006 (8 additional days of violation). Failure to install and maintain BMPs for a utility box installation in violation of Sections A.5 and A.6 of the permit. References: (1) Water Board staff report of its August 7, 2006, inspection; (2) Discharger's August 25 2006 electronic mail verifying the area was stabilized August 11.</p> <p>August 7-19, 2006 (7 additional days). Failure to comply with Water Board verbal warning issued on the 7th to install sediment tracking controls at a utility materials staging area, located at Station 33+00. References: (1) Water Board staff report of its August 7, 2006 inspection; (2) Discharger's August 19, 2006 self inspection report.</p> <p>August 20-24, 2006 (5 additional days). Failure to maintain adequate drain inlet BMPs at Station 51+68 in accordance with the SWPPP. The Discharger's August 22 self inspection report requires compliance by August 24th. References: (1) Discharger's August 19, 20, 21, and 22 self inspection reports.</p> <p>August 29 - September 8, 2006 (11 additional days). Failure to adhere to SWPPP requirements by placing (and failing to remove) a stockpile within a flowline. This issue was raised to the Discharger during the July 5th inspection. References: (1) Discharger's self inspection reports dated August 29, 30, and September 8, 2006.</p> <p>September 14-15, 2006 (2 additional days). Failure to adequately maintain drain inlet BMPs in accordance with SWPPP requirements. References: (1) Discharger's September 13, 14, and 15, 2006, self inspection reports.</p> <p>October 4 - 6, 11-13, 16-17, 2006 (8 additional days). Failure to install BMPs within time frame noted by inspector, and/or prior to storm event, pursuant to SWPPP requirements. Multiple sites with BMP deficiencies are recorded on any single day. References: (1) Dischargers October 4, 5, 6, 7, 10-13, 16-17, 2006, self inspection reports; (2) Water Board's February 22, 2007, NOV.</p>	<p>June 17, 19, 21, 22, 24, 25, 28, 30, and July 1, 3, and 5, 2006 (10 days of violation). Failure to conduct and record daily BMP inspections pursuant to Section IX.D of the SWPPP. Reference: July 6, 2006 Discharger facsimile submitting all inspection reports conducted since June 15, 2006.</p>	<p>February 8 - 10, 2007 (3 days of violation). Failure to conduct storm water runoff sampling within West Martis Creek, Station 104+00. Reference: (1) IERS March 29, 2007 letter.</p>	<p>October 5, 2006 (1 day of Violation). Discharge of sediment-laden storm water runoff into West Martis Creek (station 104+00). Reports also indicate BMP deficiencies. Reference: Discharger's October 5, 2006, self inspection report.</p> <p>November 2-3, 2006 (2 additional days of violation). Discharge of sediment-laden storm water runoff into West Martis Creek (Station 104+00). Placer County Inspection Report notes significant BMP deficiencies. Reference: (1) Discharger's December 1, 2006, electronic mail submitting laboratory date for November 2nd; (2) Placer County's November 6, 2006, electronic mail submitting its inspection reports and photodocumentation of discharges occurring November 3rd; (3) Psomas's November 7, 2006 electronic mail submitting photo logs for photodocumentation of its November 3, 2006, inspection.</p> <p>November 2-3, 2006 (2 additional days of violation). Discharge of sediment-laden storm water runoff into West Fork West Martis Creek (Station 144+00). Placer County Inspection Report notes significant BMP deficiencies. Reference: (1) Discharger's December 1, 2006, electronic mail submitting laboratory date for November 2nd; (2) Placer County's November 6, 2006, electronic mail submitting its inspection reports and photodocumentation of discharges occurring November 3rd; (3) Psomas's November 7, 2006 electronic mail submitting photo logs for photodocumentation of its November 3, 2006, inspection.</p> <p>January 4, 2007 (1 additional day). Discharge of sediment-laden storm water runoff into West Fork West Martis Creek at Station 144+00. References: (1) Discharger's January 18, 2007 electronic mail with laboratory results of collected samples.</p> <p>February 8-10, 2007 (3 additional days). Discharge of sediment-laden storm water runoff into West Fork West Martis Creek at Station 144+00. References: (1) IERS March 9, 2007 discharge report.</p>	<p>October 10, 2006 (1 day of violation, but use 2.1 in above list of total days to account for volume of discharge at \$10 per gallon). Discharge of sediment laden water into West Fork West Martis Creek. Contractor hit a water line, and directed the water into a DI that drains directly into the creek instead of onto vegetated overland areas. 2100 gallons discharged. Further, the area was not stabilized with mulch as required by BMP inspector. References: (1) October 10, 2006, Discharger self inspection report; (2) Discharger's October 31, 2006 spill report letter.</p>

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100-year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
HIGHLANDS VIEW DRIVE - WDID NO. 6A31C333756			
170.6		4	0
<p>October 27 - November 30, 2005 and May 1 - August 2, 2006 (128 days of violation). Failure to install gravel bag check dams in unimproved temporary or unstabilized drainage ditches and swales, minimum spacing required is every 200 feet, pursuant to Additional Condition No. 2, CEQA Mitigation Measures MM 4.7.3d and RBMM-2. Reference: (1) June 9, 2006 401 WQC, Enclosure C; (2) Discharger's June 20, 2006 email with photodocumentation from October, 2005, showing a lack of required check dams; (3) Water Board staff inspection report of June 15, 2006, inspection; (4) Water Board staff inspection report of July 5, 2006, inspection; (5) Discharger's letter dated August 2, 2006, documenting completion of deficient BMPs; (6) Discharger's November ???, 2007, submittal documenting onset of winter conditions that would have prevented further implementation of winterization BMPs for the season.</p> <p>July 20 - August 11, 2006 (23 additional days). Failure to comply with Standard Condition No. 5 by grading/disturbing the stream bed of West Martis Creek inconsistent with the details provided in Page 6 of the Report of Waste Discharge. Also, there was no appropriate stream diversion BMP installed prior to and during the unauthorized construction activities within the West Martis Creek channel. Finally, the Discharger has not provided any mitigation for the additional impacts that have occurred. It is noted that a precipitation event was predicted for August 4, 2006. References: (1) Discharger's July 20, 2006 self inspection report; (2) Water Board staff report of its August 7, 2006, inspection; (3) Discharger's August 12, 2006, self inspection report indicating stream construction activities were completed on the 11th. (4) EDAW's March 15, 2006, Report of Waste Discharge.</p> <p>July 31 - October 24, 2006 (85 additional days, at \$1000 per day for reporting, use 8.5 days). Failure to submit Monitoring Site Selection Report, due on July 31st pursuant to Additional Condition No. 1, Page 7 of Enclosure B to the WQC. References: (1) Dale Payne's January 24, 2007, electronic mail outlining reporting violations).</p> <p>November 1, 2006 (1 day, at \$1000 per day for reporting, use 0.1). Submittal of insufficient quarterly monitoring report, pursuant to Additional Condition No. 1, Page 6 of Enclosure B to the WQC. References: (1) Dale Payne's January 24, 2007, electronic mail outlining reporting violations).</p> <p>November 1 - November 11, 2006 (11 additional days). Failure to winterize site, and failure to halt site soil-disturbing activities, between November 1 (extended October 15th date) and May 1, as required by Additional Condition No. 2 (referencing Enclosure C) of the 401 WQC. Soil grading, erosion control mat installation, tub grinding placement, and spraying tackifier are described during the noted period. Reference: (1) June 9, 2006, 401 WQC, (2) November complete as of November 11th, but that more detailed work and maintenance work is still needed.</p> <p>(Failure to install BMPs prior to a storm is also a permit violation, but will just be listed here.)</p> <p><i>It is noted that all permit and basin plan violations are also violations of the conditions of a 401 WQC, but the violations will not be duplicated here.</i></p>		<p>July 5, 2006 (1 day of violation). Placement of a stockpile within portions of an ephemeral drainage at Station 50+00. Reference: Water Board staff report of its July 5, 2006, inspection.</p> <p>August 7, 2006 (1 additional day). Additional placement of fill material was observed in the same and in an adjacent drainage, resulting in an overall increase in impacts to the ephemeral drainage (and associated floodplain). But, the stockpile had been removed. Location is at Station 50+00. Reference: Water Board staff report of its August 7, 2006, inspection.</p> <p>October, 2006 (2 additional days). Discharge of waste earthen materials. Discharger placed gravel bag check dams within West Martis and within West Fork West Martis Creek without prior authorization/permits. Gravel bags inhibit habitat passage, and collect sediments which could later be discharged in a slug when bags are removed. References: (1) Discharger's and Water Board's January 15, and 22 electronic mail exchanges.</p>	

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
HIGHLANDS VIEW DRIVE - WDDID NO. 6A31C333756					
0	17	0	0	314.7	\$3,147,000.00
Only one report needed, considered in the penalty calculation for the Village.	<p>The Discharger initially submitted documentation that the site was stabilized one day late on November 10, 2006 (Discharger's self inspection reports for the period November 7-11, 2006). However, the November 11, 2006, inspection report by Psomas for Placer County indicates that as of November 11, 2006, there remained areas still in need of winterization. Further, the Discharger's November 14, 2006, technical report contained the following deficiencies as part of winterization: (1) interim measures were not installed on newly-revegetated sites that did not have sufficient plant growth; (2) filter fabrics were removed from drain inlets without alternative equal measures installed; (3) fiber rolls and wattles were installed inappropriately on slopes parallel to runoff direction instead of perpendicular to runoff flows; (4) tackified slopes did not have redundant sediment and erosion control BMPs in place, especially for those slopes greater than 10 feet in length (5) previously tackified areas that had been driven on were not addressed - no alternative and additional BMPs were noted.</p> <p>The Water Board staff report of its November 14-15, 2006, inspections documents the Discharger's failure to install effective source control BMPs and to stabilize disturbed rough-graded roadways, disturbed slopes, disturbed landings/parking areas, and drop-inlet areas throughout the project site.</p> <p>The project site remained without adequate winterization measures until May 1, 2007, but snowfall on November 27, 2006, prevented further installation of winterization BMPs for the remainder of the season.</p> <p>Violation existed for 17 days from November 11 through 27, 2006.</p>	Only one report needed, considered in the penalty calculation for the Village.	Only one report needed, considered in the penalty calculation for the Village.		

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
NORTHSTAR DRIVE ROUNDABOUT -WDID #6A31C333754					
DAYS:	14	18	0	N/A	N/A
<p>August 7, 2006 (1 day of violation). Failure to install adequate stockpile protection pursuant to Appendix E.24 of the SWPPP. Reference: Water Board's report of its August 7, 2006, inspection.</p> <p>August 7, 2006 (no additional days of violation). Failure to implement adequate dust suppression pursuant to Appendix E.34 of the SWPPP. Reference: Water Board's report of its August 7, 2006, inspection.</p> <p>July 25 - August 7, 2006 (13 additional days of violation). Failure to install and maintain sediment track-off control prior to and throughout construction. References: (1) Water Board's report of its August 7, 2006, inspection; (2) Discharger's statement that construction commenced on or about July 25, 2006.</p>	<p>December 12-20, 2006 (9 additional days). Failure to conduct and record pre and post storm inspections, and inspections at 24-hour intervals during a protracted precipitation event, pursuant to Section IX.D of the SWPPP. Reference: Discharger's December 19, 2006, electronic mail documenting a week-long storm event, but there is no documentation of the required inspections.</p> <p>January 2-5, 2007, and February 7-11, 2007 (9 additional days violation). Failure to conduct and record pre and post storm inspections, and inspections at 24-hour intervals during a protracted precipitation event, pursuant to Section IX.D of the SWPPP. Reference: (1) January 18, 2007, e-mail documenting storm occurrence January 3 through 4, 2007; and (2) IERS March 9, 2007, storm water sampling report documenting sotrm occurrence February 8-10, 2007.</p>				

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100- year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
NORTHSTAR DRIVE ROUNDABOUT -WDID #6A31C333754			
0		0	0

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
NORTHSTAR DRIVE ROUNDABOUT -WDID #6A31C333754					
0	0	0	0	32	\$320,000.00
Only one report needed, considered in the penalty calculation for the Village.		Only one report needed, considered in the penalty calculation for the Village.	Only one report needed, considered in the penalty calculation for the Village.		

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
HIGHLANDS RESORT HOTEL - WDID 6A29C339910					
DAYS:	103	19	0	0	0
<p>June 15, 2006 (1 day of violation). Failure to install and maintain adequate sediment, erosion, and run-on control BMPs throughout the site, in violation of permit section A.6 and in violation of the SWPPP. References: (1) Water Board staff report of its June 15, 2006, inspection; (2) Discharger's June 22, 2006 letter stating that noted violations were corrected on June 16, 2006.</p> <p>July 5 - 13, 2006 (8 additional days). Failure to install and maintain adequate sediment, erosion, and run-on control BMPs throughout the site, in violation of permit section A.6 and in violation of the SWPPP. References: (1) Water Board staff report of its July 5, 2006, inspection; (2) Discharger's July 13, 2006, letter documenting correction of identified deficiencies.</p> <p>June 20, 2006 - July 13, 2006 (23 additional days). Failure to install and maintain stockpile management BMPs for up to 7 waste soil stockpiles, in violation of Attachment O of the SWPPP. References: (1) Water Board staff report of its July 5, 2006, inspection; (2) Discharger's July 13, 2006, letter documenting correction of identified deficiencies.</p> <p>August 7, 2006 (1 additional day). Failure to implement adequate BMPs for wind erosion control pursuant to Section 500.3.7 and Attachment O of the SWPPP, resulting in fugitive dust emissions; failure to implement adequate hazardous waste storage BMPs pursuant to Section 500.3.9 and Attachment O of the SWPPP, resulting in storage of hazardous waste materials on bare ground. References: (1) Water Board's staff report of its August 7, 2006, inspection.</p> <p>August 7-26 2006 (19 additional days from that noted above). Failure to stage and install adequate erosion and sediment control BMPs prior to construction pursuant to Attachment O of the SWPPP, resulting in inadequate storm water retention and containment. References: (1) Water Board's staff report of its August 7, 2006, inspection; (2) Discharger's August 26, 2006 self inspection report.</p> <p>June 9 - September 9, 2006 (48 additional days from that noted above). Failure to install and maintain site run-on controls prior to any construction and grading activity, as required by Attachment A, Sheet C3, of the SWPPP project plans. References: (1) Discharger's June 9, 2006, self inspection report of timber clearing activities; (2) Water Board staff inspection reports for its June 15, July 5, and August 7, 2006, inspections; (3) Discharger's September 9, 2006 self inspection report documenting completion of site run-on control BMPs.</p> <p>November 1-3, 2006 (3 additional days). Failure to install and maintain adequate sediment and erosion controls prior to a forecasted rain event - disturbed were not tackified as required by the BMP inspectors and the SWPPP. References: Discharger's November 1-3, 2006, self inspection reports.</p>	<p>June 13, and 14, 2006 (2 days of violation). Failure to conduct and record pre and post storm inspections prior to predictions of rainfall events. References: (1) Northstar CSD Inspection Reports of its TH-2 Water Facilities project documenting predictions for precipitation at a neighboring project; (2) Discharger's July 16, 2006, submittal of all inspection reports conducted and documented through June 15, 2006.</p> <p>June 26 and 27, 2006 (2 additional day). Failure to inspect and record BMP site inspection prior to forecast of rain and after rain event, as required by section 500 of the SWPPP. Reference: (1) Water Board staff report of its July 5, 2006, inspection; (2) Discharger's submittal of inspection reports for the period.</p> <p>June 16, 17,19,22-27, 29, 30, and July 1, 3, and 5 (15 additional days). Failure to conduct and record daily inspections of implemented BMPs (such as stockpile management BMPs), as required by Attachment O of the SWPPP. References: Discharger's submittal of inspection reports for the period.</p>				

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
HIGHLANDS RESORT HOTEL - WDID 6A29C339910					
0	8	0	0	148	\$1,480,000.00
Only one report needed, considered in the penalty calculation for the Village.	<p>The Discharger submitted information on November 14, 2006, claiming the site was fully winterized by the due date. However, the submittal includes a Placer County inspection report noting failing and eroding areas that had previously been winterized. The submittal included a tentative winterization plan which required shotcrete to be applied to large stockpiles. However, the Discharger did not document completion of this task. The Discharger submitted photographs of final winterization measures, but the photographs instead show large areas of disturbance with inadequate measures in place.</p> <p>Water Board's report of its November 15, 2006, inspection documented that the site was adequately winterized - 6 days after the required compliance date.</p> <p>The Discharger did not submit information that any winterization measures (especially those that relied on the use of soil binders) were inspected for the need of re-application after precipitation events in January and February, 2007 (one event each month), as required in Attachment O of the SWPPP - 2 additional days of violation.</p>	Only one report needed, considered in the penalty calculation for the Village.	Only one report needed, considered in the penalty calculation for the Village.		

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385
		Discharge (or threatened) of waste to lands within the 100-year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
HIGHLANDS RESORT HOTEL - WDID 6A29C339910		
0	0	18
		<p>August 2-18, 2006 (16 additional days). Presence of a large stockpile (40 feet high, 100 feet long, 20 to 30 feet wide) on site, and it was protected by a single row of silt fence which would be quickly overwhelmed in the event of storm water runoff, creating a threatened discharge in the event of a storm. Reference: (1) Water Board's report of its August 7, 2006, inspection; (2) Discharger's September 8, 2006 electronic mail documenting additional erosion and sediment control protection installed on August 18th.</p>

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
TRAILSIDE TOWNHOMES - WDID NO. 6A29C339949					
DAYS:	55	0	0	0	1
<p>August 7 - September 8, 2006 (32 days of violation). Failure to stage and install adequate run-on, erosion, and sediment control BMPs prior to construction pursuant to Attachment O of the SWPPP, resulting in inadequate storm water retention and containment. References: (1) Water Board's staff report of its August 7, 2006, inspection; (2) Discharger's September 8, 2006 electronic mail documenting completion of required BMPs.</p> <p>November 1 and 2, 2006 (2 additional days). Failure to install additional BMP controls at edge of pavement to control sediment-laden storm water runoff prior to and during a storm event. BMP Inspector required installation on November 2nd during a storm, and the BMP was not installed until November 3rd (the second day of the storm). SWPPP Section 500.3.5 requires sediment controls to be installed at the perimeter of disturbed soil areas prior to anticipated rain events. Reference: Discharger's self inspection reports dated November 2 and 3, 2006.</p> <p>August 16, 2007 (1 additional day). Failure to implement required concrete washout BMPs as required by the SWPPP, resulting in a concrete mixer being washed out onto a road, and runoff entering a drain inlet. Reference: (1) Discharger's August 16, 2007, self inspection report.</p> <p>October 27 - November 15, 2006 (20 additional days). Failure to install effective source control BMPs and stabilize disturbed slopes, road shoulders, soft bottom/bank channels in disturbed earthen materials, in violation of SWPPP requirements. Failure to install and maintain adequate silt fence in violation of the SWPPP. It is noted that the Discharger reported completion of activities on October 27th, and Water Board staff discovered the violations on November 15th. It is further noted that a rain event occurred on November 13th. Reference: Water Board staff report of its November 15, 2006 inspection.</p>					<p>August 13, 2004 (1 day of violation). Discharge of diesel fuel to ground surface. The Discharger failed to implement BMPs (Att. O of the SWPPP) for vehicle fueling - drip pans/absorbent pads were not used during the fueling, and the fuel tank was topped off. References: (1) Discharger's August 15, 2006, letter.</p>
HIGHLANDS - VILLAGE RUN FILL SITE - WDID NO. 6A29C342716					
DAYS:	3	0	0	0	0
<p>November 1 - 3, 2006 (3 days). Failure to install BMP controls/Winterization BMPs on disturbed soil areas prior to and during a storm event. SWPPP Section 500.3.5 requires sediment controls to be installed at the perimeter of disturbed soil areas prior to anticipated rain events. Reference: Discharger's self inspection reports dated November 1, 2, and 3, 2006.</p>					
NORTHSTAR DRIVE/BASQUE ROAD IMPROVEMENTS - WDID NO. 6A31C329713					
DAYS:	47	0	0	0	0
<p>May 1 - June 16, 2007 (47 days of violation). Failure to stabilize eroding slopes that were previously revegetated; and failure to maintain rock-lined drainages, rolling dips, and other sediment and erosion control BMPs that were installed (eroded slopes due to winter season) pursuant to SWPPP requirements. Reference: (1) Water Board's June 15, 2006, inspection report; (2) Discharger's June 17, 2006, electronic mail stating that all items discussed during inspection have been completed on June 16, 2006.</p> <p>June 12-14, 2006 (no additional days). Failure to repair deficient BMPs and clogged drainages prior to and during predicted rain event, pursuant to section IX.D of the SWPPP. Reference: Discharger's June 12-13, 2006, self inspection Reports for Highlands Drive Project.</p> <p>June 15, 2006 (no additional days). Failure adequately protect stockpiles pursuant to SWPPP requirements. References: (1) Water Board's report of its June 15, 2006 site inspection; (2) Discharger's June 17, 2006, electronic mail stating that all items discussed during inspection have been completed on June 16, 2006.</p>					

ALLEGED 401 WQC VIOLATIONS		ALLEGED BASIN PLAN VIOLATIONS	
Failure to comply with 401 Conditions. Maximum penalty of \$10,000 per day, WC Section 13385		Discharge of wastes to surface waters of the Truckee River HU. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge (or threatened) of waste to lands within the 100- year floodplain of the Truckee River and tributaries. Maximum penalty of \$10,000 per day, WC Section 13385
TRAILSIDE TOWNHOMES - WDID NO. 6A29C339949			
0	0	0	0
HIGHLANDS - VILLAGE RUN FILL SITE - WDID NO. 6A29C342716			
0	0	0	0
NORTHSTAR DRIVE/BASQUE ROAD IMPROVEMENTS - WDID NO. 6A31C329713			
0	0	0	0

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
TRAILSIDE TOWNHOMES - WDID NO. 6A29C339949					
0	0	0	0	56	\$560,000.00
Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.		
HIGHLANDS - VILLAGE RUN FILL SITE - WDID NO. 6A29C342716					
0	0	0	0	3	\$30,000.00
Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.		
NORTHSTAR DRIVE/BASQUE ROAD IMPROVEMENTS - WDID NO. 6A31C329713					
0	0	0	0	47	\$470,000.00
Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.	Not subject to the terms and conditions of the CAO.		

ALLEGED PERMIT VIOLATIONS					
Failure to install and maintain BMPs. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct and record daily site inspections and pre-storm inspections. Maximum penalty of \$10,000 per day, WC Section 13385	Failure to conduct storm water sampling. Maximum penalty of \$10,000 per day, WC Section 13385	Discharge of sediment laden storm water to surface waters (Order No. A3 of the General Permit, pollution or threatened pollution). Maximum penalty of \$10,000 per day, WC Section 13385	Creating a condition of Pollution or Threatened Pollution. Maximum penalty of \$10,000 per day, WC Section 13385	
SCHAFFER'S CAMP RESTAURANT - WDID NO. 6A29C324687					
DAYS:	22	21	0	0	0
<p>June 22, 2006 - July 13 2006 (22 days of violation). Failure to adequately install appropriate BMPs to prevent the discharge of pollutants associated with concrete wastes from the project site in violation of the SWPPP, as amended on February 11, 2005. References: (1) Water Board staff report of its July 5, 2006, inspection; (2) Discharger's June 22, 26, 28, and July 5, 2006 elf inspection reports documenting the continued BMP inadequacy; (3) Discharger's July 13, 2006 letter stating that adequate BMPs have been installed.</p> <p>July 5 - 13, 2006 (no additional days). Failure to install and maintain adequate stockpile management BMPs as required by the SWPPP, as amended on February 11, 2005. References: (1) Water Board staff report of its July 5, 2006, inspection; (3) Discharger's July 13, 2006 letter stating that adequate BMPs have been installed.</p> <p>July 5 - 13, 2006 (no additional days). Failure to install and maintain adequate BMPs for equipment storage pursuant to the SWPPP, as amended on February 11, 2005. References: (1) Water Board staff report of its July 5, 2006, inspection; (2) Discharger's July 13, 2006, letter documenting the implementation of all required BMPs</p>	<p>June 8-14, 16-21, 23-25, 27, 29, 30, and July 1 and 3, 2006 (21 days violation). Failure to conduct and record 23 daily BMP inspections in violation of the August 24, 2004 NOV and tin violation of the permit. References: (1) Water Board staff report of its July 5, 2006 inspection; (2) Discharger's July 6, 2006 submittal of available inspection reports; (3) Discharger's August 31, 2006, letter verifying that inspections were not conducted for the noted days.</p>				

[illegible]

ALLEGED CLEANUP AND ABATEMENT ORDER VIOLATIONS				PENALTY	
Violation of terms of Order No. 1: Failure to designate a single qualified individual. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 2: Failure to winterize by November 9, 2006. Maximum penalty of \$10,000 per day, WC Section 13385	Violation of terms of Order No. 3: Failure to document winterization activities. Maximum penalty of \$1000 per day, WC Section 13268	Violation of terms of Order No. 4: Failure to submit an adequate site monitoring plan. Maximum penalty of \$1000 per day, WC Section 13268	TOTAL DAYS	PENALTY PER SITE
SCHAFFER'S CAMP RESTAURANT - WDID NO. 6A29C324687					
0	0	0	0	43	\$430,000.00
Facility not subject to the Cleanup and Abatement Order.	Facility not subject to the Cleanup and Abatement Order.	Facility not subject to the Cleanup and Abatement Order.	Facility not subject to the Cleanup and Abatement Order.		
			TOTAL MAXIMUM PENALTY: \$12,614,000.00		